AN ACCOUNT OF THE INJURIOUS PROCEEDINGS OF Sir George Jeffreys Knt.

Late Recorder of LONDON, AGAINST Francis Smith, Bookseller,

WITH HIS ARBITRARY CARRIAGE TOWARDS THE GRAND-JURY,

At *GUILD-HALL*, Sept. 16. 1680.

Upon an Indictment then Exhibited against the said

FRANCIS SMITH,

For Publishing a Pretended *LIBEL*; Entituled,
An Act of Common-Council for Retrenching the Expences of the Lord Mayor and Sheriffs of the City of LONDON, &c.

TOGETHER WITH
An ABSTRACT of very many former Losses, and Publick Sufferings Sustained by Him both in his *PERSON* and *ESTATE*.

Humbly Submitted to the Consideration of all True ENGLISH-MEN.

LONDON, Printed for FRANCIS SMITH, at the *Elephant and Castle* in CORNHIL near the ROYAL-EXCHANGE.

To the Right Honourable, and my very good Lord,

Anthony Ashly Cooper,

Earl of SHAFTSBURY, &c.

MY LORD,

AS Unthankfulness is deservedly reckon'd both by Christians and Heathens a Sin of the deepest Die, so nothing gives a greater lustre to Noble Personages than those Acts of Grace & Goodness which they extend to their Inferiors needing their help and succour.

And I having in many cases experienc'd Your Lordships Kindness towards Me and my Family; I cannot, (without incurring the guilt of the former,) but make my thankful acknowledgments to Your Honour as any Occasion offers it self; And therefore could not omit this Duty at this time, when I am making Publick an Abstract of my Sufferings; In many of which I have been much helped through Your Lordships Goodness, as may appear in this short Narrative.

And my Good Lord, I am under also deep Obligations to Your Honour, not only upon my Private and Single account, but as I am a poor *Protestant Member* of this languishing Nation; being (with all *English-men* that are truly such,) deeply oblig'd to Your Lordships Wisdom, Courage and Sedulity for all the Publick Benefits we enjoy or hope for, as is sufficiently manifest to all Men, except those that are profest or secret Enemies nto their Countrey, who have so Industriously sought Your Lordships Destruction; Whom God of his great Mercy to Your Self, (and the whole *Protestant People* of ENGLAND,) Preserve for a further Blessing; So prays He, who is in the deepest sense of Your manifold Favours, My Lord,

Your Most Thankful, and Humble Servant,

FRANCIS SMITH.

To My ever to be Esteem'd, and Just Friends,

Mr. William Yearth, *Mr.* Richard Humphreys, *Mr.* Samuel Lamott, *Mr.* Elias Best, *Mr.* Henry Stephens, *Mr.* Thomas Stephenson, *Mr.* Thomas Fox, *Mr.* John Beare, *Mr.* Nicholas Godwin, *Mr.* William Meakins, *Mr.* Isaac Jackson, *Mr.* Henry Rogers, *Mr.* Francis Sowersby, *Mr.* John Barker, *Mr* John Lloyd, *Mr.* William Hussey *and Mr.* William Brown, *late Grand-Jurors for the great City of* LONDON.

WORTHY CITIZENS,

WHen I call to mind the many grievous Oppressions that have befallen me, by malitious Informations, and Unjust Proceedings, whereof I present You here a short Narrative; And withall, how I have seen other Men and their Families (in a prosperous way of living,) Ruin'd, and brought to Poverty, by either the Inconsirateness, or Cowardise of Jurors, *who have hearken'd more to the Dictates of the* Bench, *than to the Reason and Nature of the Case before them. I cannot but exceedingly Admire the good Providence of the Almighty towards* Me, *in calling* You *to the Office of* Grand Inquest *for the City of* LONDON, *at that time when the* Indictment (*hereto annexed*) *was Prefer'd against* Me; You *I say, whom neither* Subtile Suggestions, Wheedling Speeches, *nor* lowd and often-repeated Reproaches *and* Threats *could work upon, to draw You aside from the true Judgement of Your own Consciences. For no* Man *can Reasonably impute Your* Verdict *and Constancy to any other* Cause: *I am sure I had no Previous Acquaintance, or Interest in any one of You, which might in the least byas your Affections towards* Me. *And the* Indictment *was drawn with so much Slight and Cunning, That if Your Wisdom and Integrity had not prevented, (in not finding the* Bill,) *I could not but expect that any Inferior Jury would find me Guilty, and I should have been deliver'd up to the Fierce Ambition of a male-content* Judge: *So that* I *do indeed ow to You (next under God) the Preservation of* Me, *and my Family from Bondage and Misery: For which, I, and mine shall be ever oblig'd to praise God; And so praying for all Your Prosperities,* I *heartily subscribe my self,*

Your Thankful Servant,

FRANCIS SMITH.

THE CASE OF Francis Smith, Bookſeller, &c.

IN *Auguſt* laſt 1680. A ſmall Book was Publiſhed, Entituled, *An Act of Common-Council*, formerly made, (and not ſince repealed,) for Retrenching the Expences of the Lord Mayor, and Sheriffs; with Ten Reaſons, for putting the ſaid Act in preſent Execution; For which Publication, I was Bound over to the Seſſions of Peace, held at *Guild-Hall*, *London*, on the Eight day of *September* following; Where one of the ſaid Books, (with this Annexed Bill of Indictment,) was preſented to the Grand Jury, held for the City of *London*.

London, ſſ. MEmorandum, That at a *General Quarter Seſſions of the Peace*, of our Lord the King, held for the City of *London*, at the *Guild-Hall* of the ſame City, and within the ſame City, on *Wedneſday*, *viz.* the 8*th.* day of *September*, in the 32*d.* year of the Reign of our Lord *Charles* the Second, by the Grace of God of *England*, *Scotland*, *France* and *Ireland*, King Defender of the Faith, *&c.* Before *Robert Clayton Knt. Lord Mayor* of the City of *London*, Sir *Thomas Allen Knt.* and *Bart.* Sir *George Waterman Knt.* Aldermen of the City aforeſaid; and others their Aſſociates, Juſtices of our ſaid Lord the King, for the keeping of the Peace of the City aforeſaid; alſo for the Perpetrating, Hearing and Determining divers *Felonies*, *Tranſgreſſions*, and other *Treſpaſſes* within the ſaid City done. A certain Bill of Indictment, againſt one *Francis Smith*, *late of* London *Bookſeller*; Then and there Exhibited, to *William Yearth*, *Richard Humfreys*, *Samuel Lamott*, *Elias Beſt*, *Henry Stepheus*, *Thomas Stephenſon*, *Thomas Fox*, *John Beare*, *Nicholas Godwin*, *William Meakings*, *Iſaac Jackſon*, *Henry Rogers*, *Francis Sowersby*, *John Barker*, *John Lloyd*, *William Huſſey*, and *William Browne*, Jurors, then and there appearing, Impannelled and *Sworn*, to enquire for our ſaid Lord the King, and the Body of the City aforeſaid; by which returned Jury, was thus endorſed (Ignoramus,) which ſaid Bill followeth in theſe Words, *viz.*

London, ſſ. THe Jurors for our Lord the King upon their Oaths, preſent, that Francis Smith, late of London Bookſellor, being a Man Seditious and Pernicious, Plotting and intending the Peace, and Common Tranquility of this Kingdom, to Diſturb, and Diſcord Differences, and Ill Will, amongſt the Citizens, and Inhabitants of the City of *London*, to ſtir up, Provoke, and Procure; Alſo the Mayor, Aldermen, and Sheriffs of the City of London, now in being, and the Mayor, Aldermen, and Sheriffs of the City of London, for the time paſt in great Odium Contempt, and bale accompt to bring; the ſame Francis Smith, the 17th. day of Auguſt, in the Reign of our Soveraign Lord, Charles the Second, by the Grace of God, of England, Scotland, France and Ireland, King, Defender of the Faith, &c. The two and Thirtieth at London, viz. In the Pariſh of St. Michael Cornhil, in the Ward of Cornhil, London, aforeſaid, with Force and Arms, &c. Unlawfully, Wickedly, Malitiouſly, Scandalouſly, and Seditiouſly, Printed, and cauſed to be Printed, a certain Malitious, Scandalous, and Seditious Book, of and concerning the Expences of the Lord Mayors, Aldermen, and Sheriffs of the City aforeſaid, in their Houſes, in the time of their ſeveral Offices; Entituled, An Act of Common-Council of the City of London, (made in the firſt and ſecond years of the Reign of Philip and Mary,) for Retrenching of the Expences of the Lord Mayor and Sheriffs, &c. Publiſhed with Additional Reaſons for putting the ſaid Act in preſent Execution, and now offered to the Conſideration of all good Citizens, by ſome Well-wiſhers of the preſent and future Proſperity of the ſaid City. Preſented to my Lord Mayor, Aldermen, and Sheriffs. In which Book by the ſaid Francis Smith, then ſo as aforeſaid; He Publiſhed, Printed, and cauſed to be Printed; the ſame Francis Smith, then and there, viz. the day and year before mentioned, at the Pariſh and Ward aforeſaid, Miſchievouſly, Unlawfully, Wickedly, Maliciouſly, Scandalouſly, and Seditiouſly Printed, made known openly, and Publiſhed, Miſchievouſly, Malicious, Scandalous, and Seditious Sentences, in theſe Engliſh words following, viz.

READER,

AS by this Act you may obſerve, that our Predeceſſors taking notice, that the Extravagancies of Mayors and Sheriffs, cauſed (as they ſay,) almoſt all good Citizens to flie, and refuſe the ſervice; ſo to prevent that Miſchief in the future, they limited them in their living to the Method directed by this Act. And if when little was Spent beſides the growth of our own Country, Beer and Ale being then their Drink, they thought it their Wiſdom to ſet bounds to Luxurious Profuſeneſs, there is much more reaſon for it now, when Debauchery is come to that height, that the fifth part of the Charge of a Shrievalty is in Wine, the growth of another Country. And when Feaſts, hardly heard of in former times, are riſen to that Exceſs, as would be ſcandalous to mention, as thoſe called the *Chequer* and *Spittle Feaſts*, the firſt coſting in Wine betwixt Seventy and Eighty Pounds; and the latter, after the pretended Service of God in hearing a Sermon, coſts above Three Hundred Pounds to each Sheriff. And though much after this rate is the reſt of the Year ſpent; yet when the Example of this Act is urged for laying aſide theſe ſinful Feaſts, and reducing the reſt unto this Pattern, which is a wholſom Law; ſome, who ſhould ſee to the putting it in execution, will

will not hear of it; and possibly, because they would have others be as profuse as themselves have been, though there are these Reasons for a Reformation herein.

And these *Mischievous*, *Malicious*, and *Seditious Sentences*, in these *English* words following, *viz.*

Because nothing can tend more to the Advancement of any City or Country, than the having wise and good Magistrates; And that so long as the great expence of Shrievalties continue, the City must, (as this Act suggests,) have an Eye to Wealth, more than Parts or Vertue, in the Choice of their Sheriffs; And that such as their Sheriffs are, such will the Court of Aldermen be: And therefore as necessary for the good Government of this great City, the charge of Shrevalties ought to be reduced to such an Order and Method, as may be an Encouragement to Men of more Honesty, then Riches to serve the Place.

And these *Mischievous*, *Malicious*, *Scandalous*, and *Seditious Sentences*, in these *English* words following, *viz.*

No Man hath reason to be expensive in his Shrievalty; because though the Court of Aldermen hath a Rule for supplying, (as any die,) their vacant places out of those that have served Sheriffs, yet they make their Election to depend upon the uncertain humour of their Court, thereby frustrating (when they please all) Compensation for the Expence and Drudgery of a Shrievalty, as lately appeared in their Choice of Sir *Simon Lewis*, one of their present Sheriffs, rejecting Sir *Thomas Stamp*, who had served the Place several years before with good approbation, and was presented to them by the Ward he lives in as a deserving Person. And whereas each Ward when they want an Alderman, do present two Commoners to the Court, for them to chuse one; the Ward of *Bassishaw*, to the end that Sir *Thomas* might unavoidably be chosen, joyned the younger, (and not the elder) Sheriff with him, not thinking that an old Sheriff would be baulked, to chuse one that had not served his Year; and yet notwithstanding, the Court by their Prerogative passed by Sir *Thomas*, to the disappointing of the Ward that sent him. And this Example, is, (I suppose) a good reason for Sheriffs in the future not to spend more in their Shrievalties than is necessary, when their Reward is so uncertain.

And these *Mischievous*, *Malicious*, *Scandalous*, and *Seditious Sentences*, in these *English* words following, *viz.*

Debauchery in this Expence is a Sin before God, and were it known, would be a scandal in the sight of Man; as appears, in that of Three thousand Pounds Expence in all manner of ways, above Five hundred Pounds is in Wine; when a Lord, or Gentleman, that formerly lived at the rate of Ten or Twelve thousand Pounds *per Annum*, did not, as is well known (but thirty years ago) spend an hundred Pounds in Wine.

To the great Scandal and Contempt of our said Lord the King, to the great Reproach and Scandal of the Authority of the Mayor, Aldermen, and Sheriffs, of the City aforesaid; to the great Disturbance of the Peace of our said Lord the King, to the Evil Example of others in the like Case offending, and against the Peace of the said Lord the King, his Crown and Dignity, &c.

IGNORAMUS. WAGSTAFFE.

The

The Grand Jury having taken this Sacred Oath, hereunto annexed, in theſe words.

YOU ſhall Diligently Inquire, and true Preſentment make of all ſuch Things and Matters, as ſhall be given you in Charge, or ſhall come to your knowledge, concerning this preſent ſervice; The Kings Council, your fellows, and your own, you ſhall well and truly keep Secret; you ſhall preſent nothing for Malice, or Evil Will that you bear to any Perſon; Neither ſhall you leave any thing Unpreſented, for Favour nor Affection, Reward, or any hopes thereof; But in things that ſhall concern this preſent Service, You ſhall preſent the Truth, *the* whole Truth, *and* nothing but the Truth, *according to your beſt Skill and Knowledge*, ſo Help you God.

THe Grand Jury having taken this Sacred Oath, judged themſelves under a Religious obligation, well to deliberate both upon the Book and the Indictment; and finding the Book (to the beſt of their skill and knowledge,) of no other tendency, but to encourage ſuch as were vertuous, to take upon them the Government of the City of *London*, with ſuch good Husbandry, and ſober Methods, as might neither diſhonour God, by exceſs in Feaſtings, nor yet ruine their own Families.

And finding a Bill of Indictment brought againſt me at the ſame time, for Publiſhing the ſaid Book; charging it with the odious names, of a *Malitious, Scandalous*, and *Seditious* Book, and my ſelf as *Printer* and *Publiſher*, with the like Monſtrous Titles, of being a Man *Pernicious, Seditious, Plotting* and intending the Peace and common Tranquility of this Kingdom, to diſturb, and with force and Arms, *Unlawfully, Wickedly, Maliciouſly*, and *Seditiouſly*, to *Print* and *Publiſh* the ſaid Book.

Did all with one unanimous voice agree, that they could not in their Conſcience bring it in any otherwiſe then *Ignoramus*, and ſo threw it out.

This *Seſſions of Peace* being that day *Adjourn'd*, till the 16*th*. day of the ſame Month. The Jury then had the Bill brought them in again, with their *Ignoramus ſcraped out*, as the Jury ſince have declared; upon which they examined the Officer (who was Witneſs to the Bill,) whether he would Swear that he believed in his Conſcience Mr. *Smith* did *Print and Publiſh* this Book, *Maliciouſly*, and *Sediciouſly*, with an Intent to diſturb the Peace of our Lord the King in this City, to which the Officer replied, *He durſt not Swear that for his Life*; upon this they unanimouſly agreed to write *Ignoramus* again upon the Bill, and ſo returned it.

Upon which Sir *George Jefferies* then *Recorder* was much in Enraged, and gave the Jury many hard words, refuſing to accept their Verdict, and returned them again the third time, with the ſaid Bill. But they (in their Conſcience, ſeeing no reaſon to alter their Verdict,) returned the Bill again *Ignoramus*.

Upon which Sir *George Jefferies* Vilified and Reproached the Grand Jury very ſhamefully in the open Court; upbraiding them with calling the Witnes to repeat the Evidence over again, and then commanded a clear *Barr*, ſaying, God bleſs me from ſuch Jury Men, I will ſee the Face of every one of them, and let o-

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thers see them also; further adding, I will hear them repeat every Man of them, their own sense of this Bill, thus exposing them to all possible contempt.

The *Barr* being thus cleared, and the Grand Jury of substantial Citizens thus exposed, as if they had been a pack of Men, void of Honesty and Conscience.

Then the Clerk of the Peace according to Sir *George Jefferies* Command, calls every Man by name, and asked them whether *Francis Smith* was Guilty of the Bill brought before them against him, or not Guilty? Upon which every Man, one by one, being Seventeen in Number, returned *Ignoramus*.

Upon this Sir *George Jefferies* in a most Arbitrary manner, told the Jury they were upon their Oaths, and had gone contrary, which was their Sin of *Perjury*, *Blasphemously*; saying, *It was Impossible for God from Heaven to Pardon their Perjury*.

But the Jury persisted in their Verdict, and gave no Reflection.

Sir *George* being thus enraged, that he could not bend the Jury from their Just and Honest Verdict, calls out in the Court for Mr. *Smith* the Person *Indicted*, to come in; upon which immediatly I appeared to know Sir *George* his pleasure; who replyes, Mr. *Smith you have the Countenance of an Ingenious Person, here are two Persons that this Jury have brought in* Ignoramus, *besides your self, and yet they are so ingenious as to confess the Indictment against them; and for their Ingenuity they shall find the Grace and Favour of this Court, and I cannot think to Fine them little enough; They shall be Fined but two Pence a piece for their Ingenuity in Confessing.*

Well, come Mr. Smith, *follow their examples; you see what they have done before your Face; And let me tell you, we know who hath owned both* Printing *and* Publishing *this Book formerly; And therefore now, shew your self as you seem to be, an Ingenuous Person, and Confess, and try the Grace and Favour of this Court, and shame the Jury, that hath brought in a Verdict contrary to plain Evidence.*

To this I replyed; *Sir, my Ingenuity hath sufficiently experienced the reward of your severity already formerly; and besides, I know no Law Commands me to accuse my self; neither shall I, and the Jury have done like true* Englishmen, *and worthy* Citizens, *and blessed be God for such a just Jury.*

At my reply, Sir *George* was greatly Enraged, and although I had been three times quitted by the Jury, yet he committed me again to the Keepers of *Newgate*, saying, *Provide presently very good Security, for I will assure you, I will have special Security for you, and till then you shall stand Committed: Take him into Custody*; I was three hours thus detained in the Custody of one or more of their Keepers, and finding no remedy or relentings from him, was forced to give Bail by two responsable Citizens upon their Oaths, as to their Ability; and then Bound us three in a great Sum for my appearance at the next ensuing Sessions of Peace; and not content with that, he did bind me to my good Behaviour also.

Meeting with such severity from Sir *George Jefferies*, I thought it High time to be better prepared against the next Sessions following; and therefore applyed my self to the Clerk of the Peace, desiring a Copy of the Bill against me, that I might advise with some Council learned upon it, (being now well satisfied Sir *George* was resolved, if possible to ruine me,) The Clerk replyed it was very large and would Cost me Eight pence *per* Sheet; but if I would have it, it should be Copyed out in two days time; when accordingly I came, his answer was, *that Sir* George Jefferies *the Recorder had forbidden him to let me have a Copy, and he durst not without Sir* Georg*'s Order; and therefore advised me to go to Sir* George *himself, and tell him that I had come to the Clerk for a Copy, and he durst not grant it without his Order*; having been forbid by him, after the said Clerk had promised me.

Then I repaired to Sir *George* day after day, at leaſt ten times; and ſeveral of thoſe times two Neighbours with me; underſtanding it was by Law my right to demand it, paying their price.

One day I waited from ten till two of the Clock, before I could have any anſwer from him, and then his Clerk brought me word, (for he would not ſpeak with me himſelf) *that his Maſter was indiſpoſed, and would ſpeak with no body of buſineſs that day.*

The next day I requeſted a Neighbour to go on my behalf, (the Seſſions approaching, and I Ignorant of the Charge againſt me,) to whom Sir *George* returned anſwer by his Clerk, *it was none of his buſineſs, and I muſt take the courſe the Law directed, for a Copy.*

Then I went to Councel, and was informed that no Subject ought to be denied a Copy of his Indictment, paying for it.

Upon this I took my next opportunity at the Seſſions held for *Newgate* in the *Old Bayly*, and there made my appeal to the *Lord Chief Juſtice Scroggs*, in the hearing of Sir *George Jefferies*; complaining what hard meaſure I had received from him.

Having waited above 20 times upon him and the Clerk of the Peace, in fruitleſs Journeys, for I could not obtain a Copy of my Indictment, having been thrice Indicted, and as often acquitted.

The Jury told me in open Court, it was according to Law, that I and every Subject ought to have a Copy of their Indictment, though brought in *Ignoramus*; and the reaſon of the Law was, that they might for wrong done them, ſeek their Remedy.

Sir *George* replyed, *his private Houſe was not a Court, and therefore he was not to meddle with ordering any ſuch thing there*, (but here it is to be noted, his private Houſe was a place fit to forbid me a Copy, which is contrary to Law, but not a fit place to do the Right he is Sworn to between King and Subiects according to Law;) having at laſt by the Judg his Order, obtained a Copy no leſs then 17 Sheets, Charging me to be a Man *Seditious* and *Pernicious*, *Plotting*, and Intending the Peace and Common Tranquility of this Kingdom of *England*, to diſturb, and with force and Arms, *Unlawfully*, *Wickedly*, *Malitiouſly*, *Scandalouſly*, and *Seditiouſly*, to *Print* and *Publiſh* the *Act* aforeſaid.

And all my Crime (if any) is but Re-Printing an *Act of Common Council for Retrenching the Expences of Mayors and Sheriffs*, *with the Addition of Ten Reaſons*, *why it ſhould be put in preſent Execution*; For the encouragement of virtuous Men, to take upon them the Government of the City of *London*, with ſuch good Husbandry, and Sober Methods, as might neither Diſhonour God, by exceſſive Feaſtings; nor yet Ruine their own Families.

Which Book (notwithſtanding Sir *George Jefferies* Opinion of it,) hath met with a very General Acceptance amongſt ſober Citizens, of the beſt Quality; and both himſelf and ſome others, could (if they pleaſe) witneſs the ſame; Yet divers ſuch perſons have wondred to them, and at them, for what they ſhould be ſo much offended, or indeed why at all; much more, ſo to Harreſs me with multiplied charges Seſſions after Seſſions, and with continued reſtraints, and Bail upon Bail; and above all, diſtracting my thoughts continually, and waſting

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ing my time from my Shop and Trade, to the Imparing of my Livelyhood, through ſuch frequent abſence from my Calling, to my damage, twenty times more then all the Money I have been forced to expend.

And at laſt when (ſuitable to Sir *George* his big Words to me, and exacting ſuch high Bail for me, with his Terrifying Procceedings againſt the Jury, to the amazement of the ſpectators, and gratifying his ambitious humours in contempt, and to the violation of our good *Engliſh Laws*,) I expected to have been brought to Tryal by the next *Impanneled Jury* the laſt *Seſſions*.

Sir *George* let fall the Proceedings, and ordered me to be acquitted by *Proclamation*; and when I applyed my ſelf ſince to him for *Reparation*; his Anſwer is, *he knew not of any wrong, or injury he had done me.*

And when ſince for *High Miſdemeanours* he was ſummoned before the *Honourable Committee of Parliament*, he did ſo much forget himſelf and the great duty of a *Recorder*, as to ſay in the hearing of the *grand Jury, and my ſelf being there preſent*, to that *Honourable Committee*, upon his own defence, *that he had not ſo much as Read the Book.*

What not Read the Book, and yet permit and appoint me, (*after a Grand Jury of Credible* Citizens, *had acquitted me*) *to be Indicted twice in one day, and after the ſame Grand Jury had ſo acquitted me three times, to treat them rather like* French *Slaves, then free born* Engliſh Men.

And becauſe I would not follow his *Dictates*, againſt *Law, and Reaſon*, and my own Conſcience, to give that worthy *Jury* all the Lie, by ſaying I was guilty, to Commit me into the Cuſtody of the Keeper of *Newgate*, where I was under reſtraint above three hours; and after that would not diſcharg me, till I had given great Bail; nor then neither, without binding me to my good *Behaviour* till the next following *Seſſions*; *And all this upon an Implicit Faith.*

For the Book he confeſſed he had not Read, nor knew the Contents of.

From ſuch a Judge and ſuch a Recorder of London, and ſuch Judgement, good Lord deliver me, and may every true Citizen, and Right Engliſh Man ſay, Amen.

Now

Now having given this candid account of my trouble and charge, by reaſon of this Fierce Proſecution *of me, for a matter wherein I was* juſtified *by my own* Conſcience, *many (if not all) ingenious Men that conſider'd it, and even by the Grand Jury of the great City of* London, *after* ſo baſe and often repeated horrid Treatments of them *to the contrary; inſomuch that if they had not been* Conſtant *and* Reſolute Men, *as well as* Honeſt, *I had in all likelihood been* Ruined with my Family.

I hope it may not be Grievous *to the Reader, if I give ſome ſhort account of many former Sufferings, from Men of like Spirit with the* Recorder, *and the* great Damage *which my ſelf and* Family *have Incurred thereby; which I do the rather mention, becauſe I have good grounds to believe my caſe is much miſtaken by ſome, for want of true Information.*

In the year 1659. ſoon after *General Monk* came to *London*, under the notion of being a diſſaffected Perſon, and a *Phanatick*, I had my Houſe frequently Searched for *Armes*, and all my Windows ſo Broaken, that my Lodgers which had yielded me above 50 *l. per annum*, durſt not continue in the Houſe, the Terrors of which Ryotous Proceeding for two years after, kept my Houſe from Lodgers; the loſs and damage was made apear to the General, above Sixty Pounds, from whom I had many friutleſs promiſes of reparation.

In the year 1660. I was three times a Priſoner in the Kings *Meſſengers Hands at a Noble a day*, about a ſmall Book called the *Lords lowd call to* England; and ſome ſuch little Books, to above fifty pounds *Charge and Damage*.

At the time of *Venners* Riſing, though many of my Neighbours knew and teſtified, I had kept my Bed and Chamber ſix weeks, yet from a falſe ſuggeſtion by a *Butcher Woman, and an Hearb Woman, Ignorantly, or rather Maliciouſly* informed the Multitude of the *Inconſiderable Rabble* then in the *Streets*, as if I were in the ſaid *Venners* Riſing, and had Armes hid in my Houſe; upon which I was ten times *Searched by that Lawleſs Company*, my Goods *Torn and Stole, Cheſts, Trunkes and Cloſet Doors broke open, and a Carbine* put three times to my *Breſt to Shoot me; At laſt they Halled me for* White-Hall, *one tore my Hair, another ſtruck me down by a blow upon my Head; others puſhed me ſo much on my Body*, that I was not able for ſome time to turn my ſelf in my Bed; had not the *Train Bands* then in St. *Clements Church Yard*, (knowing my innocency) reſcued me, I had not in *appearance* got alive to *White-Hall*; this ſore bout coſt me above fifty Pounds.

In

In *Auguſt*, 1661. A certain Book was Printed and Publiſhed, intituled *Mirabilis Annus*, or the yeare of Prodigies. Then did a Perſon of quality yet living, give me great encouragement for its Publication, as a Book grateful to the Authority, and of general caution to the Nation, both to behold and conſider the works of God, and alſo to tremble for fear of his Judgments; but it ſo happened contrary to my expectation, that the very day it was publiſhed, one of his Majeſties Meſſengers came to my ſhop, with a Warrant both to ſeize the Book and my Perſon, and carryed me before the then Secretary of State, where after Examination I was committed to the *Gatehouſe* Priſon by this Warrant inſerted.

IT is His Majeſties pleaſure that you take into your Cuſtody the perſon of *Francis Smith*, Stationer, for having a hand in Printing and compileing dangerous Books, and that you keep him *cloſe* Priſoner till further order from His Majeſty, and for ſo doing, this ſhall be your Warrant. Dated at the Court at *Whitehall* this 15*th*. day of *Auguſt*, 1661.

Edward Nicholas.

To the Keeper of the Gatehouſe, Weſtminſter, or his Deputy.

This word in my Warrant *Cloſe Priſoner*, proved a fatal word to me, as many ſtill living can witneſs, for the Keeper improved it to a Tittle; there I was truly buried alive: it being a Priſon famous for oppreſſion of poor Priſoners, as many beſides my ſelf can notoriouſly witneſs.

For aſſoon as I was brought thither, a Stern Gaoler locked me up, and ſaid, I muſt not ſee, nor have the Liberty of any Relations to viſit me, without ſpecial order from the Secretary firſt obtained. This looked like cold entertainment to one unacquainted with ſuch a condition. But this, and much more I found as truly performed, as promiſed, being locked up in a Room, where I had neither Chair nor Stool to reſt on, and yet 10 Shillings *per* week muſt be the priee, and before I had been there three nights, Seven Pounds Fifteen Shillings was demanded for preſent Fees. That is to ſay, Five Pounds to excuſe me from wearing Irons, Ten Shillings for my entrance week lodging Five Shillings, ſheets, Five Shillings Garniſh money, the reſt for Turnkey Fees; upon which I gave this anſwer, that I did not underſtand any juſt uſe for impriſonment, much leſs to pay ſuch Fees, and for wearing of Irons I would not pay ve Groats to be excuſed, if he could by Law impoſe Irons on me, *I* would wear them. Upon this many cruel endeavours, were uſed, whereby to exact conſent of theſe Fees from me; and my afflicted Wife not ſuffered to ſpeak with me but in the preſence of the Keeper, after chargable orders, for ſo much priviledge firſt obtained nay many times orders denyed for my Friends admittance; in the Preſence of the Keeper, and my Window Caſements muſt be nailed up, that *I* ſhould not have the benefit of that common Air, which is every ſlaves birthright. And when proviſion was ſent for my neceſſary ſupport, yet was that many times kept back. and frequent faſts impoſed upon me, and what was ſent for my Dinner at 12 of the Clock, muſt be given me 4 or 5 hours after, which *I* uſually breakfaſted with, and ſhould be ſure to want beare or bread, ſo *I* was forced to deviſe away by a bag and a ſtring to be let down in the night at a Window, to convey ſome neceſſary food to me, things continued thus ſeveral weeks, in which time for receiving a note at the Key-hole by an open Priſoner, ſent from my poor wife then ſick and weary with grief, and ſucceſſeſs travels, at my releaſe *I* was taken out of this Room, and lockt up in a Trap door Room, about Twenty days, where *I* could hardly be heard with hallowing, it being a place for ſuch as were condemned to dye; to be uſually ſecured in. At this time, above Thirty Pound was ſpent to attempt my releaſe, but all ineffectual.

Then was application made to the Judges of the Kings Bench, *Weſtminſter*, and *I* had three chargeable *Habeas Corpus*'s before the cruel Gaoler would obey to bring me to the Bar, where upon my appearance, care was taken, that *I* carried in my hand the Copy of my Commitment, and preſented it to the Lord Chief Juſtice *Foſter*, who gave patient hearing to all my Complaints, diſdaining the uſage *I* had met with, and told the Keeper, if it ſhould happen before my legal releaſe *I* ſhould dye by ſuch uſage, the Keeper ſhould be indicted for his life.

At this time to my great amazement, a new Copy of Commitment was produced in Court, the contents whereof here followeth.

The Priſon of the Gate-houſe Weſtminſter.

I *Edward Broughton Knight* Keeper of the Priſon of our Lord the King of the Gate-houſe Weſtminſter in the County of Middleſex to the Lord the King humbly certifieth, that before the coming of the writt to me directed to this ſchedule annexed, to wit, the fifteenth day of *Auguſt.* in the year of the reign of our ſaid Lord the King that now is, *&c.* the Thirteenth, *Francis Smith* in the ſaid Writt named, was taken at Weſtminſter in the County of *Middleſex*, and there in the Priſon of our ſaid Lord the King of the Gate-houſe aforeſaid, under my Cuſtody detained by virtue of a certain warrant to me directed. The Tenour whereof followeth in theſe words,

" Theſe are to will and require you in his Majeſties name, to take into your Cuſtody, and " ſafely keep the body of *Francis Smith* of *London* Stationer, for that traiterouſly and ſeditiouſly " he compiled, printed, and publiſhed a treaſonable and ſeditious book, intituled ſeveral prodi- " gies and apparitions ſeen in the Heavens from *Auguſt* the firſt 1660. to the latter end of *May* " 1661. containing a collection of ſeveral former prodigies, miſchievous events thereupon to " Princes, and a forgery of diverſe late falſe and feigned prodigies and impoſtures of the ſame " kind, prognoſticating thereby the like events to his *Majeſtie*, and thereby did trayterouſly " and ſeditiouſly inſtill into the hearts of his *Majeſties* good Subjects, a ſuperſtitious belief there- " of, and a diſlike and hatred of his *Majeſties Perſon* and government, and prepared them to " effect a damnable deſign for the deſtruction of his *Sacred Majeſtie*, and to introduce a change " of the Government eſtabliſhed; and for ſo doing, this ſhall be your warrant; given at our Court " at *Whitehall* the fifteenth day of *Auguſt*; 1661. *Edward Nicholas*, To the Keeper of the " *Priſon* of the *Gate-houſe Weſtminſter* or his Deputy. And this is the cauſe of the taking and de- " taining of the ſaid *Francis Smith* in the Priſon of our Lord the King, under my Cuſtody, " whoſe body at the day and place in the ſaid writt contained, I have ready as by the ſaid writt is " commanded me.

Edward Broughton Knight.

My Council pleaded they knew nothing of that Copey till now, and gave evidence that the Copy *I* produced was taken from the Clark of the Priſon, for which he had 5 *ſhillings*; upon which *I* was remanded back again to Priſon, till the next Term following; and here it may be remembred as an addition to the habit of cruelty attending that Priſon; the *Goaler* notwithſtanding (what the *Lord Chief Juſtice Foſter* had ſaid to him) forced me to go down into the *Dungeon* for above Twenty dayes becauſe *I* could not raiſe him Seven *pounds* towards Chamber rent at that inſtant. Then upon renewed complaints and councel charge, obtained order to be taken out of the *Dungeon*, and put up Stairs into a Chamber where *I* was again turned out within a week, at 8 of the Clock at night, while my poor Wife and two of my Children were eating, and they at that time of the night in the depth of winter, forced to ſeek their Lodging amongſt ſtrangers in *Tuttle-ſtreet Weſtminſter*, and my ſelf conſtrained to lye upon the bare boards in an open entry, where *I* continued the reſt of my time till bailed out, being ſeveral weeks, ſometimes lying on the ground; the reſt in a Hammock.

In this time *I* was ſent for to *Whitehall*, and in the preſence of a Gentleman of qualtity yet living, and ſeveral others, was offered 100 *pounds* and preſent diſcharge, but to declare my knowledge (upon an imprecation) of the Authors or Printers of the aforeſaid book. yet rather then occaſion hurt to any, gave my ſelf up to their utmoſt diſpleaſure; and had recourſe to many chargable *habeas corpuſ's* before *I* could obtain bail. By this impriſonment *I* loſt my ſhop, and trade for two years, to above 300 *pounds* charge and dammage, towards which *I* can truly ſay to this day, *I* never had directly or indirectly to the value of twenty pounds reparation from any perſon or perſons whatſoever; though it hath been often ſuggeſted both by perſons in authority and others, that competitors bore me out, which occaſioned my bonds to be aggravated.

Since that time *I* have had ten chargable reſtraints in the Kings Meſſengers hands at a noble a day, one of which in the months of *July* and *Auguſt I* was ſo often and dayly harraſſed too and fro by *Mr. L'Eſtrang's* order between *Whitehall* and the meſſengers-houſe where *I* was priſoner upon fruitleſs journeys, neither obtaining bail nor diſcharge for 19 dayes together, that brought me

me under such a fitt of Sickness with a Feavour as reduced me to be distracted to that degree that *I* was held in my bed by strength, the truth of which *Mr. L' Estrange* may very well remember, for he often both came and sent, *I* being in appearance never like to goe abroad again, being so impaired that my tast, hearing, and memory are much weakned, to this day. The real charge and dammage *I* sustained by this restraint and sickness, in my shop and trade one hundred pounds will not repair.

The other 9 restraints and tedious attendance upon his *Majesties Council, and Secretaries*, together with dyet and lodging at Messengers houses, with charges of Council orders and messengers warrants and fees, cost me above one hundred and twelve pounds.

In the year 1665, when the dreadful plague was in the City of *London*, I being then with my Family at my habitation in a small village near *Darking in Surrey*, came part of the County Troop, and among other my innocent neighbours under the notion of being disaffected persons, I was carryed before the Lieutenancy of that County, who sent me with two more Prisoners to *Windsor-Castle*, and had not the good Providence of God ordered it so well, that that never to be forgotten, and worthy Gentleman *Sir Thomas Foster Knight and Justice of the Peace in the County*, been in my way, and believing my innocency respecting the crimes suggested against me : offerring himself to the *Lord Mordent then Governour of Windsor-Castle*, to be bound body for body for me, An imprisonment there at that time had in all probability been my ruine, I being altogether a stranger to his Lordship; he was pleased so well with the testimony of Sir *Thomas Foster*, that he discharged me saying, I had ill neighbours, who had caused that trouble; and I should fare the better for it whilst I was in the Country, if any new occasions of trouble happened.

Immediately before that dreadful fire, *that Papists brought upon* London, in 1666. One Mr. *Lillycrop* a Printer, and another, both Servants to Mr. *L' Estrange* as his assistants in Surveying the Press, came to my Shop and Warehouse near *Temple Bar* with their General Warrant to sieze unlicensed Books, and took of Mr. *Allens*, Mr. *Bunnyans*, and others, with a number of Printed Depositions against the Papists, shewing their attempts and acts in the several Fires, barely as unlicensed; through the prejudice, the Licencers were pleased to take against the Authors, constrained my Printing them without Licence, being Books neither against Church nor State; Nevertheless, they took as many as two Porters could stand under, and carried them to Mr. *L' Estrange's* Lodging, then at the Kings Wardrobe; Some of which with much difficulty and charge was obtained again; the rest it's supposed the Fire took, to my real dammage above Fifty Pounds.

Upon that severe Act against Conventicles, in 1671. I had One Hundred and Forty Pounds Warrants against me, for being taken at several times at Religious Protestant meetings, upon which I lost my Shop and Trade above Six Months, being so eagerly pursued by one Justice *Sabbs* and his Informers, as forced me by Night to remove my Goods from place to place nine several times, to prevent seizure which cost me, and lost me above One Hundred and Fifty Pounds.

Here be it remembred that from the meeting place where he took me, and others often, he also in an illegal manner brought workmen, and Cart, and toar down, seized, and carryed away a large Gallery, with all the seats and formes

formes in the ſaid meeting, converting them to what uſe he pleaſed for himſelf, or his favourites; coming often alſo to enquire of the officers of the Pariſh, where I dwelt, why there was not a ſeizure made; threatniug them with a penalty in the act, as perſons negligent, and when it was replyed my door was ſtill kept lockt that they could not obtain entrance; and they had been with the Lord Chief Juſtice *Keiling* for advice, who told them unleſs they could lay felony, murder or treaſon to my charge, the Law would not bear them out to break open the doors while ſhut againſt them, upon the penalty of the Conventicle Act, upon which, the ſaid *Juſtice Sabbs* replyed, can you not get ſome unhappy boys to go in at his Windows and open the door, and then you may make ſeizure of his Goods; thus the conſervator of the Peace prompts the Civil officers to break the Peace contrary to his Oath, to oppreſs for filthy Lucre ſake.

Some time after, two perſons came to me, to procure the Printing of a certain Book, entituled, That neither Temporalities, nor Tythes, is due to the Biſhops, Prelates nor Clergy, by any Goſpel rule, and that Kings Princes and Lords Temporal may juſtly take the Temporalities and Tythes from them, and diſpoſe of them for the defence and benefit of the Kingdom, and the relief of the poor, proved by the Laws and Practices of Twenty Kings of *England*, *Judah*, and *France*, and alſo by One Hundred and Twenty Authors beſides, dedicated to the Kings moſt Excellent Majeſty: One of them affirming he had great encouragements not fit here to mention; upon which I readily complyed, but before it was finiſhed, I was diſcovered, taken into Cuſtody, by Mr. *L' Eſtrange* with a general Warrant and carried to *Lambeth* houſe, to appear before the then Biſhop, but without hearing was diſmiſt, and remanded to *Whitehall*, but never came to a hearing, yet harraſſed to and fro, and kept undiſcharged for Twenty weeks, ſometimes in Cuſtody, and ſometimes at Liberty, to my real charge and dammage at leaſt Sixty Pound.

About a Book, called The Appeal from the Cabal at *Whitehall*, to the Parliament at *Weſtminſter*; and the Book called The ſerious Queries againſt the Conventicle Act, proving it to be againſt the Laws of God, of Nature, and of *Magna Charta*; for which I was committed into the Cuſtody of Five of the Kings Meſſengers by the Council Board, to above Fifty Pounds charge and dammage.

In *December*, 1673. One Mr. *Ralph Carter*, and Mr. *Wickham*, Meſſengers, came to my ſhop near the *Royal Exchange*, with a Warrant to fetch me to *Whitehall*, where immediately they promiſed me either diſcharge or diſmiſſion upon Bail, to attend ſome urgent occaſions then lay on me. But inſtead of bringing me to any hearing, conveyed me to a Meſſengers houſe, where I was detained three Nights and three Days; upon which perceiving their deſign to put me to charges, I contented my ſelf without either Bed, Fire or Food, excepting a couple of Rowls privately obtained, and one Pound of Raiſons of the Sun, reſolving that way to tire them out, either to accept my ſecurity for forth coming when Authority pleaſed, or immediately be brought to hearing; at length I was conſtrained to threaten them, that if they kept me longer, I ſhould call out at Windows, and raiſe the ſtreets upon them, for ſuch illegal confinement; which at length after conſiderable conteſt for fees, I addreſſed my ſelf to Authority in this following Petition.

In

To the Right Honourable the Earl of *ARLINGTON*, Principal Secretary of State :

The CASE and COMPLAINT of Francis Smith.

Humbly Sheweth,

THat on Tuesday *the second of this instant* December, *by vertue of a General Warrant from your Honour, I was apprehended by Mr.* Ralph Carter *Messenger, and from that time detained as a close Prisoner till* Friday *following in a Messengers House, denying me (notwithstanding my urgent and pressing occasions) to appear before your Lordship in order to my Examination, which was to my damage forty pounds and upwards.*

That Mr. Carter *denied me a Copy of the Warrant, or liberty with a Keeper to appear at my Shop to seal two Bonds, and deliver several Goods for* Barbadoes, *to the probable hazard of ruining my Trade as well as Credit ; although my necessity was at that time so urgent, that I offered Mr.* Carter 1000 l. *Bail for my appearance before your Honour : but he refused it, and confidently affirmed it was your Honours particular Order I should be so detain'd.*

That after your Honours favour was obtained for my appearance at Whitehall *on* Friday, *and His Majesties gracious Favour to discharge me upon Bail, (notwithstanding Mr.* Carter's *great incivilities to me) I gave him* 20 s. *for his Fee, who nevertheless on* Monday *the eighth of* December *instant, came after me into the City, where he demanded seven Nobles more, the which he said he would have ; and there in a very insolent manner (with many menacings, too tedious here to insert) affirm'd I was his Prisoner still, and that he would force me down to* Whitehall *in a Coach, if I would not give him his aforesaid Demands ; saying,* Let me see who dares take you out of my hands : *And the better to obtain the same, (as I imagine) did falsly and maliciously pretend that I had spoken dangerous words against the King and Government ; supposing thereby to affright me, that I might comply with such his illegal Demands.*

That upon these proceedings I repaired to Counsel Learned, who advised, That I might bind Mr. Carter *to his Good Behaviour and Indict him ; but your Honours Complainant was not inclined to any such Proceedings, till I had spread my Complaint before your Honour : In order to which, I repaired to* Whitehall *on* Tuesday *following, and was there assaulted, and attempted to be seized by Mr.* Carter *in the open Court again and again : but I refusing to go with, or submit to him, was pursued by him from thence almost to the* Pall Mall, *and there again was violently assaulted, forced, and dragged to a Prison-House, tearing my Coat and Cloak, which caused a great Tumult ; whereupon the People demanded of Mr.* Carter, *By what Authority he used me with that violence and cruelty? Thereupon* Mr. Carter *produced your Honours Warrant, which His Majesty had most graciously discharged me from the* Friday *before ; and after all this, I was by him forced again to* Whitehall, *to appear before your Honour ; but Mr.* Carter *afterward pretending that your Lordship was not at* Whitehall, *he constrain'd me from thence to an Alehouse, and there detain'd me at least two Hours ; the said Mr.* Carter *still threatning my continuance as his Prisoner, on the pretences before alledged : So that I was constrained to call for the Master of the House, and desire him to send for the Lord Chief Justices Warrant, to bring us both before his Lordship ; upon this, Mr.* Carter *set me at liberty.*

The Premises considered, Your Complainant humbly beseecheth Your Honour, That Mr. *Carter* may make Reasonable Reparation, or be left to a due Course at Law.

And Your Petitioner shall ever pray, &c.

In *January* following I had the ſecond Impreſſion Printing of a Book intituled, *A Treatiſe of Baptiſm, wherein that of Believers & that of Infants, is examined by the Scripture*; written by *Henry Danvers* Eſq; to which was both the Authors and my own Name and Sign. This Book having paſſed the firſt Impreſſion under ſome countenance of Dr. *Parker*, and the Licenſed Catalogue of Books publiſhed every Term; nevertheleſs one Mr. *Mearn*, Mr. *Vere*, two Meſſengers, Beadle and Porter to the Company of Stationers, enter'd my Houſe without a Civil Officer, and ſearched every Room as well as my Warehouſe, for the ſaid Book; Mr. *Mearn* having but newly before, in his uncharitable diligence, ſeized near two thouſand ſheets of the ſaid Book, pretending great zeal for the ſervice of the Church of *England*: But the Reader may judge by what follows the contrary too too manifeſt: for in his aſſiſting the Surveying of the Preſſes about four months before, and finding the ſame Book printing, he paſſed it with a Joke.

About *February* 10. he the ſaid Mr. *Mearn* being then Warden, did with Warden *White* and the Beadle, come to the Houſe of one Mr. *Redman*, a Bookbinder, and ſeized five hundred of the ſaid Books, and carried them away; although the ſaid Mr. *Redman* would have given Security for their forth-coming until I was made acquainted, and Authority ſhould give a legal Determination; but Mr. *Mearn* ſaid he would have them into his own cuſtody, and damask or ſpoil them immediately: Upon hearing of which, I applied my ſelf to the Lord *Arlington*, then Principal Secretary of State, and to the late Biſhop of *London*, ſetting forth the uſage I had met with, and requeſting their Lordſhips favour, That neither I nor my Books might be condemned until a fair hearing, which was moſt readily granted. But before I could obtain a re-delivery of the ſaid Books, in *April* following I had ſufficient intimation that this Book (ſeized in pretended zeal to the ſervice of the Church) was Reprinting for ſome of the ſame Perſons that had ſeized mine; upon which I repaired to one Mr. *Downing*'s Houſe, a Printer in *Bartholomew Cloſe*, where I found the ſheet D. then printing; and in a ſhort time after I learnt where a parcel of this ſtolen impreſſion was binding: I then applied my ſelf to Mr. *Mearn*, he being Warden of the Company, appealing to him of the injuſtice of this uſage, *viz.* That he ſhould be a chief Actor againſt me, for printing a Book (according to my belief the mind of the holy Scriptures for baptizing Believers.) And that now I both deſired and expected he would ſeiz and ſuppreſs this, being done by his Favourites, if not with his connivance. He replied, He muſt firſt ſend for the Barber and be trimm'd, and that it was not a ſeaſonable hour; although it was eight of the clock in the morning in the month of *May*. Thus finding my Endeavours fruitleſs with him, and my own Books ſtill under reſtraint, my Market loſt, and at leaſt forty or fifty pounds expended with continual abſence from my Shop and Trade, in attendance and application to ſeveral Perſons of Honour: from *January* till *May*, I was, as many know, conſtantly haraſſed to and fro; being a part of that time at *Windſor*, where the Court then was: On the fifth of which month, one Mr. *Randal Taylor* and Mr. *Thomas Sawbridge*, that had both been very inſtrumental in the ſeizing and ſuppreſſing of my Books, expoſes to publick ſale from Shop to Shop, that ſtolen Impreſſion of the ſaid Books, ſubſcribing it in parcels to many Bookſellers, with the Authors Name, and my Name and Sign to it; which ſtupendious way of Proceedings, and adding oppreſſion to the oppreſſed, was deſigned, if poſſible, to have ruined me and my Family.

Upon this unjuſt and monſtrous dealing, I applied my ſelf with one of their Books, and one of mine, to ſeveral Perſons of Quality, and among the reſt, to the Right Honourable the Earl of *Shaftsbury*, then Lord High Chancellor of *England*, who was pleaſed highly to reſent ſuch hard meaſure; contributing his favour until it came to His Majeſties Ear, who was graciouſly pleaſed to grant his Order for Reſtitution of my Books. And I wiſh Mr. *Mearn* would remember, in order to his timely Repentance and making me Reſtitution, how highly ill ſeveral Noble Lords reſented his Procedures, when I complain'd in his hearing of his Injurious Practices at a Committee of Lords, where he appeared (*The Man of Confidence*) receiving ſuch Juſt Reflections from the Lords, the Secretaries, the Atorney and Solicitor Generals, as might have precaution'd a Man of Modeſty, though of no Religion, never

ver to have appeared any more in ſuch unjuſt and malicious Actions, as the ſequel will diſcover.

Some little time after the preſent Lord of *London* was inveſted, Mr. *Mearn* (as I have good ground to believe) did mis-inform his Lordſhip touching me and my Warehouſe, (wanting till then an opportunity to improve the ſore diſguſt he had taken at His Majeſties gracious favour in reſtoring me thoſe Books Mr. *Mearn* had before ſeized, and declared if it coſt him an hundred pounds out of his own Purſe, I ſhould never have them again; not being capable to do me that injury in the late Biſhops time, who told him what he did againſt me, was matter of malice apparently, for that ſuch and ſuch Books, which the Biſhop then named, were by his connivance vended, and every way as unfit to be publiſhed as mine) thereby obtaining a Council-Warrant, ſuggeſting I had a private Warehouſe wherein might be great numbers of the Book called *The Growth of Popery*, and *Advice to Grand Juries in order to the Election of a New Parliament*, diſcovering the many Grievances the Nation groaned under by the miſ-proceedings of the late long Parliament: (Now my Warehouſe, ſo ſuggeſted for private and dangerous, was in the open Street at the Globe Tavern near the Roval Exchange) Nevertheleſs on a *Saturday* in *July*, 1678. while I was ſixteen miles off, came Mr. *Mearn*, with the then Deputy-Marſhal of the *Kings Bench*, and ſeveral others, to ſearch my Warehouſe, (which but the week before, the ſame Marſhal, with Mr. *L'Eſtrange* and others, had ſearched, and found nothing criminal) and demanded of my Son the Key, or they would break open the Door; but having ready entrance, found onely the Books which His Majeſty had graciouſly reſtored two or three years before, with ſeveral other innocent Books; not one among them, I dare appeal to his own Conſcience, reflecting upon Church or State, more then barely that of Baptiſm, reſpecting the time of adminiſtring: Nevertheleſs, he ſent for a Cart and five Porters, imploying them to load the Cart with above two hundred pounds worth of ſeveral ſorts of my Books, and carried them to Stationers Hall; obtaining from the preſent Lord of *London*, by falſe ſuggeſtions, an Order for Damasking or defacing them all: and ſo induſtrious was he, and Mr. *Randal Taylor* the Beadle, (one of thoſe that had ſome time before printed and publiſhed the ſtolen Impreſſion) that in two days from the ſeizure above fifty pounds worth was made good for nothing but to paſte upon Trunks or Hat-Caſes.

Their ſeizure was made on a *Saturday* towards evening, and on *Wedneſday* following, by the mediation of a Perſon of Honour that hath known me for twenty years, I made my Application to the preſent Lord of *London*, that a ſtop might be put to the total ſpoil, till I had a fair hearing; and by his Lordſhips favour, with the meſſage he ſent to the then Maſter and Wardens, they ſpared no pains to put a ſtop to further ſpoil, and were contributary to all poſſible Reſtitution of what had been ſeized, ſpoiled and unſpoiled.

Nevertheleſs by the firſt Seizure, before I could recover them again, which was about ſix months, attendance and charges coſt me above 50 *l.* beſides the loſs of my Market, by their prodigious and wicked Act of printing an Impreſſion of the ſame Books, while mine were under reſtraint, to my damage above 100 *l.*

The re-ſeizure of the ſame Books three years after, and as many other ſorts as together loaded a Cart, at which five Porters were employed by the ſaid Mr. *Mearn* and Competitors, with the ſpoil they made by Damasking, and Coſt to recover, damnified me above 60 *l.*

In the whole, the firſt and laſt charge and damage above 210 *l.* upon moderate computation; beſides many weeks time loſt from my Shop and Trade, to my prejudice in probability equal to the reſt.

In *Auguſt* 1679. there came forth a Pamphlet called *Obſervations on Sir George Wakemans Tryal*, the Author and Printer of which I knew not; but it being commonly ſold, I had a proportion (by ſome hand or other ſent me.) In *October* following, one Mr. *Stevens*, a Meſſenger to the Preſs, brought a Warrant from the Lord Chief Juſtice *Scroggs* to bring me before his Lordſhip, who was pleaſed to examine me as to the Author; but I not being capable to anſwer his Expectation in that, requeſted (for weighty conſiderations) I might not be committed, for it would much

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at that ſeaſon tend to my prejudice, and I had ſufficient Citizens there preſent, who offered themſelves for my Bail. His Lordſhip made anſwer, *I do not except againſt your Bail, they ſeem to be honeſt reſponſible Gentlemen; but I tell you, You ſhall to Goal, unleſs you preſently tell me who was the Author of that ſeditious Pamphlet.* I replied, *My Lord, I cannot tell who was the Author; but believe my caſe bailable, and beg your Lordſhip to take Bail. No,* ſaid his Lordſhip, *you may take your* Habeas Corpus; *I'll take no Bail; Make his* Mittimus: Which was done accordingly, as followeth.

I Have herewith ſent you the Body of Francis Smith, *whom you are to keep in ſafe Cuſtody till he ſhall be diſcharged by due courſe of Law; Oath being made before me, That there was a great Parcel of that Scandalous Libel ſeen in his Houſe or Shop, called* Obſervations on Sir George Wakemans Tryal.

Wm Scroggs.

Dated *Octob.* 24. 1679.

To Joſeph Cooling *Eſq; Marſhal of the Kings Bench Priſon.*

Upon this I had my *Habeas Corpus*, and in four days following was brought to the *Kings Bench* Bar, and ſo I was bailed; but an Information was put into the Crown-Office, whence a Summons came for a Trial at a time when I was under an extream Sickneſs of a high Feaver and every-day-Ague, being brought ſo low, that I was not able to go croſs a Room without help, of which the Phyſitians certified; and the Court was moved by Council to put off the Trial till it might pleaſe God to work my Recovery; but not prevailing, the Jury was Empannelled, and the Honourable Sir *Thomas Jones*, who ſat as Judge, it ſeemeth adviſed my Council that they would refer my Caſe to the Court, and he would mediate with the Lord Chief Juſtice for Clemency; which to a tittle his Honour truly performed. At the ſame time, as I am credibly informed, Sir *George Jeffreys*, who was Council againſt me, made the like Promiſe, and was waited on the day before my appearance at the *Kings Bench* Bar, with a Requeſt for his performance; but inſtead of making good what he had promiſed before many hundreds, he incenſed the Court with ſuch aggravating Expreſſions, as procured a Fine; which with the Crown-Office Charge and Impriſonment, with the charge of *Habeas Corpus*, and Tryal at *Guildhall*, coſt me above 36 *l.* beſides a chargable Sickneſs ſeveral months, much more to my charge and damage.

In *December* following, the aforeſaid Mr. *Stevens* and a Conſtable came to my Shop with a Warrant to ſearch for unlicenſed Books; I deſired to hear it read, and found it was a General Warrant ſigned by the Lord Chief Juſtice *Scroggs*, not expreſſing my Name nor Crime; upon which I replied, I ſhould not obey it, for it was againſt *Magna Charta*, and therefore adviſed the Meſſenger at his peril neither to ſeize me nor my Books. About this time, ſeeing two or three ſober Perſons make a ſtand, I requeſted them to bear witneſs to what might happen; then the Conſtable replied, *Sir, My work is onely to keep the Peace, I ſhall meddle with nothing. Well but Sir,* ſaid I, *I conceive 'tis your work as well to ſee the Peace is not broke, for neither my Name nor Books are mentioned in this Warrant, therefore 'tis againſt Law.* The Meſſenger alledged, That beſides his Warrant, he had particular Inſtructions to ſeiz ſuch and ſuch things; and it would be worſe for me, if I obeyed not: To which I replied, *Gods will be done, I will obey no General Warrant; I have long and often known what it was to ſuffer, and now by Gods grace I would know for what I ſuffered.* Upon this the Meſſenger was in a great heat, both threatning me, and perſwading me much to obey his General Warrant. I replied, *Take heed what you do, and remember* Empſon *and* Dudley, *that though they acted by an Act of Parliament, much greater then your General Warrant, yet going againſt* Magna Charta, *they were both hanged for their pains.* Upon this the Meſſenger and Conſtable departed.

A few days after, the ſame Meſſenger came again with a particular Warrant, and brought me before His *Majeſtie* in Council; and after he had made Oath, gave Evidence, and charged me with refuſing to obey his General Warrant, declaring, That I often threaten'd him with a *Parliament*, and *Magna Charta*, on purpoſe to diſcourage him from doing his Duty, and that he had more trouble with me than all the Bookſellers and Printers in Town beſides; And it was in vain for him to execute his Office, unleſs ſome courſe was taken with me; Further adding, *That I had Printed Queen* Elizabeth's *Aſſociation*, (which he then produced) *and two Seditious Petitions for the Sitting of the Parliament*, for which he then produc'd a Witneſs; Further complaining, *That I went up and down getting Hands to Petitions for Sitting of the Parliament, and That ſtill as he came to ſearch my Shop for* Seditious Books, *I bid him have a care what he did, and bid him tell the* 10 Letters of A Parliament *upon his* 10 *Fingers, and that, ſooner or later, we muſt have a* Parliament, *and then I muſt anſwer for what I did, on purpoſe to diſcourage me from doing my Duty*: with many Aggravations too tedious here to relate. Upon the whole his general Warrant was read, but nothing was ſaid to it. Then my *Lord Chancellor* asked me *Where I had the Aſſociation?* I replied, *As I was a* Bookſeller, *That, as other Books, came to my hands*; *And beſides, it had been formerly Printed in Queen* Elizabeth's *days, and I hop'd there was no hurt in Re-printing it*; His Lordſhip replied, *But the* Queries *in it was not then; and I muſt find the Author, or be deemed Author my ſelf. Then His Majeſty* was pleaſed to ask me, *If I had Printed* Petitions *for the Parliament to Sit, and promoted* Hands *to them*; To which I replied, *Yes, and pleaſe Your Majeſty, with all my heart, and thought I could not do Your Majeſty and my Country better Service, than to endeavour a Parliament at the time Your Majeſty appointed, in* January *next*. After ſome further paſſages to this purpoſe, we were bid to withdraw; And after a ſhort ſtay a *Warrant* was ordered for a Meſſenger to carry me to *Newgate*, where I remain'd in Cuſtody, till delivered by *Habæas Corpus*, upon Bail; which Impriſonment hath already coſt me above } 10*l.* 0*s.* 0*d.*

In *January* laſt, my Son was committed to the *Kings-Bench-Priſon*, upon ſuggeſtion of ſelling a Pamphlet called *A New years-gift*; and ſince an Information againſt him in the *Crown-Office*, which hath coſt me near } 12*l.* 0*s.* 0*d.*

So that from the year 59. to the year 79: I have never had reſt from Annual Troubles; A ſhort Breviate whereof here enſues.

In 1659. the time that my Windows were broken, and Lodgers drove away two years together; the Charge and Damage was made a appear to *General Monk* then, above } 60*l.* 0*s.* 0*d.*

In the year 1660. three times a Priſoner in the King's Meſſengers hands; *Charge* and *Damages above* ——— } 50*l.* 0*s.* 0*d.*

Upon *Venner*'s Inſurrection, my *Charge* and *Damage* amounted to above ——— } 40*l.* 0*s.* 0*d.*

Upon my *Gate-houſe*-Impriſonment 26. weeks, with loſs of Shop and Trade two years; *Charge* and *Damage* ——— } 300*l.* 0. 0*d.*

Upon my reſtraint in Meſſengers hands, and Sickneſs got thereby through continued harraſſings in the extreme heat of Summer, between *White-Hall*, *Fulham*, *Lambeth*, and Meſſengers Houſes, which brought me to Sickneſs, till diſtracted, to that degree, to be held by Strength in my Bed for many days, to my real *Charge* and *Damage* above —	100 *l.* 0 *s.* 0 *d.*
Upon 9 other reſtraints ſince in the King's Meſſengers Cuſtody, with Charge of *Warrants*, *Bails*, *Orders* and *Diſcharges*, coſt me —	150 *l.* 0 *s.* *d.*
Upon a ſeizure of my Books with a *general Warrant* by Mr. *L'Strange*'s Order, in 1666. barely as Unlicenſed; a number of which ſhewed how active the Papiſts were in the ſeveral Fires that happen'd in and about *London*, I loſt above —	50 *l.* 0 *s.* 0 *s.*
Upon the ſevere Act againſt Conventicles, I loſt my Shop and Trade many Months, to my real *Charge* and *Damage* above —	150 *ls* 0 *s.* 0 *d.*
Upon 20 Weeks reſtraint under Mr. *Sumner*, Meſſenger, by Mr. *L'Strange*'s order, about Publiſhing the Book aſſerting Temporalities and Tythes orginally given and due to Princes for defence of the Kingdom, and relief of the Poor; I had real *Charge* and *Damage* above —	60 *l.* 0 *s.* 0 *d.*
For the Book called *The Appeal from the Cabal at* White-Hall, *and ſerious* Queries *againſt the Conventicle Act*, I was committed into the Cuſtody, of five of the King's Meſſengers, to my *Charges* above —	50. *l.* 0 *s.* 0 *d.*
Charge and *Dampnified* by being taken up upon a *Warrant* in the hands of Mr. *Ralph Carter*, Meſſenger, and another Meſſenger, at a time when I had Goods to deliver, and two Bonds to Seal for *Barbadoes*, above —	50 *l.* 0 *s.* 0 *d.*
About *June*, 1676. as many Books part ſeized, the whole made Imperfect, to the value of —	50 *l* 0 *s.* 0 *d.*
Mr. *Mearn* and ſome other Competitors improving *General Warrants* upon their private Peaks, to the height of Arbitrary Proceedings, ſeized 500 Books, and Printed an Impreſſion of the ſame, to the Spoil of my Market, toge her with a ſecond ſeizure two or three years after, with Charges of twice recovery, and the number of what was *Damaged*, and *Loſt*, coſt me, and dampnified me above —	210 *l* 0 *s.* 0 *d.*
In *October* 1679. Judge *Scroggs* committed me to the Kings Bench, which with *Habeas Corpus*, Charges, and Tryal at *Guild-Hall*, *Crown-Office*, Charge and Fine at the *Kings Bench*, with a ſore Fit of Sickneſs occaſioned thereby, *Coſt* and *Damaged* me above —	68 *l.* 0 *s.* 0. *d.*
In *December* 1679. my Impriſonment in *Newgate* and *Habeas Corpus* charge for Printing and Promoting Petitions for the *Parliaments* Sitting, and publiſhing *The Aſſociation of the Proteſtants in Queen* E. days, coſt me in Charge about	12 *l.* 0 *s.* 0 *d.*
In *January* 1679. My Son was alſo committed to the *King*'s-*Bench*-Priſon, upon ſuggeſtion of ſelling a Pamphlet, called *the New-years-gift for the Lord Chief Juſtice*; *Charges* of the Priſon, and *Habeas Corpus*, coſt near —	12 *l.* 0 *s.* 0 *d.*

The

The Total of these my publick Losses, and apparent Damages, upon a Moderate Computation, ammounting to near *Fourteen Hundred Pounds*; In the whole serious of which these twenty years, while by one Imprisonment 26 weeks together; kept so close Confin'd, as never (even in the presence of a Keeper,) allowed to see, or once appear at my own dwelling; Through which severe usage I lost my Shop and Trade for two years together; In Compensation or Support towasds this, or any other Losses, I can truly say to this day, I never had Directly or Indirectly, to the value of Twenty Pounds Repartion, from any Person or Persons whatsoever.

Though it hath been often suggested, both by Persons in Authority and others, that Competitors have born me out; upon which, occasion hath been taken to Minister greater Aggravation to my Bonds.

And as a close of this my Afflicted Relation, be it remembred, that many of these my Sufferings both on my Person and Substance, were by general Warrants exercised on me; and without compassion, (by those Imploy'd in Surveying, Printing, and Vending Books,) upon many others; of which a doleful Catalogue might be given, of several Persons by (in the General) mear Arbitrary wayes, and particular or private Pieques, that have (from a flourishing condition,) been reduced to such poverty, as to Dye in Gaols; others not able to leave at their death so much as to buy a Poor 3 *s.* *Coffin*, to carry them to the *Grave*; Witness the truth of these Cases, in one Mr. *Brewster*, who dyed low some years ago in *Newgate*, and his Family reduced to such want, that his Wife lately lived upon Charity, and dyed under great Extremity. One Mr. *Calvert* dyed little less then in Prison, and his Family brought to total Beggery, that once lived Plentifully; Also one Mr. *Dover* a Printer dyed in *Newgate*, almost to the ruine of his Family, Mr *Lidwell Chapman* in the like manner, by continued Imprisonments, he and his Famliy ruined; others Fined above their ability, as late Instance shews; Others by like Imprisonments, also were ruined, by Persons Invested with Power of Surveying the *Stationary* Trade, abusing the same at pleasure; and even Wink, when, and where they please, as favour or Pieque Governs them; Seize as unlicenced, because others shall not sell them, and sell them themselves.

Even, buy what they Seize (to the ruin of perhaps Families,) for waste Paper one of another, as Partners in Iniquity, and sell the same for Vendable Commodity; yea some Persons goods Seised, because they shall not vend them; and others connived at to vend the same: I my self was kept a long time in the Messengers Hands, at horrid Charges, a *Noble* every day for Fees, a *Mark* a day Sesure, a *Mark* last day release; sometimes 52 *s.* 6 *d.* Order before released, with Diet and Lodging at proportion; and another of the same Trade, Print and Vend (with connivnce) the same Book.

I had, as many yet know, 500 Books of a great value Seised at the Binders, forsooth the pretence not Licenced, and mine being taken from me, and near fifty Pounds spent after them, in order to recovery; some of the same Persons that made a great noise in the ears of Authority; Saying *they are against the Church, against the Church*; (at this time with such usage for ought they knew, I had not Money to buy Bread for my many Children.)

Yet

Yet the ſame *Perſons could Print, and Sell, and Connive* at Printing, and Selling the ſame Book, Line for Line; yea, and a Conſcience ſo tender or ſeared to put my Name and Sign to the ſame Book, and ſell them City and Countrey over; as if their Selling could alter, or take away all the Venom pretended to be in them.

It was become a frequent Cuſtom to Seiſe from ſome, and connive at others, to Print and vend the ſame.

And notorious it is that one Mr. *B*— a Printer was ſworn againſt through a *Brick Wall*, as my Information ſaith,) and utterly ruined from all viſible probability of ever recovering; his Materials ſo broken and dampnified; as diſabled him from his common cuſtomary ability of getting Bread for his Family; And what was his Crime? (a very great one, as moſt others before him here Incerted) he Printed, or was Printing a Speech made in common Council, by a Member thereof, for a Petition to His Majeſty to *Diſſolve* that (by ſome Worthy Patriots of their own accounted; and felt one great Grievance of the Nation, the) late long *Parliament*. And the Author of the ſaid Speech, was many weeks kept in the *Gate-houſe* for his intended good Service. Were all the Ruins and Spoyls that have been made, upon *Booksellers*, *Printers*, and Merchants in Books, and *Haberdaſhers*, Printed here, it would contain a Volume; Till therefore a further opportunity calls for it; I ſhall omit much more that might be here Incerted; Humbly Praying God Almighty to continue this Honourable Seſſions of Parliament, from whom its not doubted, (when from more weighty Affairs they can condeſcend into the inſpection of ſuch Grievances,) but they will both Puniſh offenders, and make ſuch proviſion, as Learned Men of great worth, may not Subject their Labour to the pleaſure of an *Imprimator*, or cenſure of Striplings to them; nor yet Bokſellers and Printers wait the Juſtice and Favovrable diſpatch of a Licenſe, till their Markets be over, as is notoriouſly known, and felt by too many Witneſſes.

Having thus given a ſhort and true account of the ſadneſs of my Sufferings and Damages, and alſo of the moſt that I have Received in reparation, I hope I ſhall neither be looked upon as an Unquiet and Troubleſom Man, deſerving thoſe Afflictions I have undergone; nor as one that by Men of like unquiet Spirits have at leaſt my Charges repaired; But that I may ſtand in the Eyes of Honeſt and Unprejudiced Perſons, as a Man who deſires to preſerve my ſelf and Family by my Trade, as well as I may; (yet have met with hard Dealings, great Sufferings and Loſſes, and theſe for the moſt part Illegally and Unjuſtly brought upon me, by the Malice of ill Men, which if I may obtain,) I have the deſired end of this Narrative, and Subſcribe my ſelf a ſervant to all true *Engliſhmen*, while,

Francis Smith.

FINIS.

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